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Security Council

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**Working Group on Children and Armed Conflict**

## Conclusions on children and armed conflict in the Sudan

1. At its 32nd meeting, on 30 September 2011, the Working Group on Children and Armed Conflict examined the fourth report of the Secretary-General on children and armed conflict in the Sudan (S/2011/413), covering the period from January 2009 to February 2011, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of the Sudan to the United Nations participated in the subsequent discussion.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations set out therein met with a favourable response.

3. They welcomed the efforts made by the Government to ensure the protection of children, including the adoption and implementation of the Child Act, and welcomed the establishment of a child protection unit within the armed forces.

4. They encouraged all parties who had signed action plans to fully implement all aspects of those plans and to release all children within the ranks of the armed forces and armed groups. They also urged those armed groups that had not yet signed an action plan to begin, as a matter of priority, a dialogue with the United Nations to develop such a plan and outline a framework for its implementation and for the release of all children from their ranks.

5. They noted the decrease in cases of abduction of children in Darfur, while expressing deep concern regarding the continuing killing and maiming of children.

6. They stressed that there was a need to strengthen the protection of children, including through explicit legal provisions.

7. They expressed deep concern regarding violations and abuses committed against children by all parties to the conflict in the Sudan.

8. They underlined that the recruitment and use of children in armed forces and armed groups remained a concern in Darfur, urging all parties to the conflict to ensure the prevention of recruitment and rerecruitment of children released from the armed forces and armed groups.

9. They urged the Government to ensure the effective long-term reintegration of children formerly associated with armed groups and also the prevention of child



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rerecruitment by both. They stressed that it was important for adequate resources to be allocated for the protection and reintegration of children, including by the donor community.

10. They urged all parties to ensure the protection of children in Southern Kordofan and Blue Nile States and in the Abyei Area.

11. They encouraged the Government to implement the relevant recommendations directed to it, as contained in the report of the Secretary-General.

12. They stressed that there was a need for two separate reports and conclusions for the Sudan and South Sudan following the independence of South Sudan in July 2011.

13. The Permanent Representative of the Sudan:

(a) Noted the report of the Secretary-General on children and armed conflict in the Sudan;

(b) Reaffirmed the Government's commitment to strengthening the protection of children and reiterated its serious desire to put an end to the conflict in Darfur, as demonstrated by its participation in the All Darfur Stakeholders Conference and its improved relations with Chad;

(c) Recalled positive developments, including, in particular, the steps that the Government had taken to apply the Child Act, which had been adopted early in 2010; noted that the Doha Document for Peace in Darfur was an important step towards ending the conflict; and called upon the Working Group to send a strong message to the remaining armed groups in Darfur to join the Doha Document;

(d) Emphasized that the Constitution of the Sudan forbade capital punishment for children below the age of 18 years and that the President of the Sudan had granted an amnesty to those children who had participated with the troops of the Justice and Equality Movement in their attack on the city of Omdurman;

(e) Reiterated the Government's desire to pursue its cooperation with the Special Representative of the Secretary-General for Children and Armed Conflict and with all other relevant United Nations institutions;

(f) Noted that the report of the Secretary-General did not reflect some of the positive steps taken by the Government subsequent to the issuance of the report, such as its bringing its national legislation into compliance with its obligations under the Convention on the Rights of the Child and its two optional protocols in order to prohibit the recruitment of children;

(g) Indicated the importance of ensuring that the information contained in the report of the Secretary-General was based on factual and verified reports;

(h) Indicated that the violations documented in the report of the Secretary-General were general in nature and were insufficient for Government investigation, while assuring the Working Group of the Government's commitment to examining those violations;

(i) Called upon the Chair of the Working Group to send a strong message to armed groups committing violations against children;

(j) Expressed the hope that child protection in the Sudan could be further strengthened by drawing upon necessary assistance and capacity-building for different child protection institutions;

(k) Expressed the view of the Government that humanitarian access to Southern Kordofan and Blue Nile States had improved.

14. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including 1612 (2005), 1882 (2009), and 1998 (2011), the Working Group agreed to the direct action set out below.

**Public statement issued by the Chair of the Working Group**

15. The Working Group agreed to address a message to all the parties to the armed conflict in the Sudan mentioned in the report of the Secretary-General through a public statement by its Chair:

(a) *Expressing deep concern* regarding the continuing violations and abuses committed against children in the Sudan by all parties to the conflict, and urging the immediate implementation, as relevant to the Sudan following the independence of South Sudan, of the previous conclusions of the Working Group on Children and Armed Conflict in the Sudan (S/AC.51/2007/5, annex; S/AC.51/2008/7; and S/AC.51/2009/5);

(b) *Expressing concern* regarding continued reports of killing and maiming in contravention of international law, rape and sexual violence against children in conflict-affected areas, and urging national authorities to end impunity through rigorous and timely investigation and prosecution, to strengthen prevention efforts and to ensure that effective support is provided to the victims of violence;

(c) *Expressing serious concern* that, while the overall humanitarian situation in Darfur has not deteriorated, it has not improved, demanding that the Government of the Sudan, all militias, armed groups and all other stakeholders ensure the full, safe and unhindered access of humanitarian organizations and relief personnel and the delivery of humanitarian assistance to populations in need, and underscoring the importance of upholding the principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance;

(d) *Welcoming* the memorandums of understanding reached separately by the Government of the Sudan and the Sudan People's Liberation Movement-North with the United Nations, the African Union and the League of Arab States to enable the urgent delivery of humanitarian assistance to affected civilian populations in Southern Kordofan and Blue Nile States in accordance with the tripartite plan proposed by the United Nations, the African Union and the League of Arab States, and calling upon the Government and the Sudan People's Liberation Movement-North to fully implement the terms of that plan in order to expedite the unhindered delivery of such assistance as rapidly as possible, in accordance with applicable international law, including applicable international humanitarian law, the guiding principles contained in the annex to General Assembly resolution 46/182 and the principles of neutrality, impartiality, humanity and independence for the provision of humanitarian assistance, and the safe, unhindered and immediate access of United Nations and other humanitarian personnel;

(e) *Expressing deep concern* regarding reported incidents of attacks on schools and hospitals by the parties to the conflict;

(f) *Strongly urging* all parties to the conflict to immediately halt the recruitment and use of children in violation of applicable international law and to release all children remaining within their ranks, as called for by the Security Council in its resolutions 1539 (2004) and 1612 (2005);

(g) *Welcoming* the efforts of the Government of the Sudan to ensure the protection of children, including by strengthening the legislative framework for the protection of children through the adoption of the Child Act in 2010;

(h) *Calling upon* the parties to the conflict in the Sudan listed in annex I to the report of the Secretary-General on children and armed conflict (S/2011/250), who have not yet developed and completed an action plan (the Justice and Equality Movement, the Sudan Liberation Army/Abdul Wahid, the Sudan Liberation Army/Historical Leadership and the Sudan Liberation Army/Unity) to engage in dialogue with the United Nations with a view to developing and completing an action plan that details steps to halt the violations for which they are listed and to comply with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011);

(i) *Welcoming* the signing and implementation of action plans by the Sudan Liberation Army/Free Will, the Sudan Liberation Army/Mother Wing (Abu Gasim) and the Justice and Equality Movement (Peace Wing), in addition to the progress made by those parties in releasing children and implementing the terms and conditions of the action plans, and urging those parties to continue to do so;

(j) *Urging* those parties, in addition to previous signatories to action plans (the Sudan Liberation Army/Minni Minawi), to ensure the full implementation of those plans and to provide full and unimpeded access for United Nations verification, as agreed upon therein;

(k) *Encouraging* the United Nations to continue its efforts to reach out to all other parties in the Sudan listed in annex I to the report of the Secretary-General on children and armed conflict in order to elicit commitments to action plans to end violations and abuses against children;

(l) *Stressing* the importance of finding a political solution to the conflict in Darfur in order to improve the current situation of children, and in that regard calling upon those parties to the conflict that have not yet done so to join the Doha Document for Peace in Darfur;

(m) *Reminding* all parties of their obligations under applicable law to cease the recruitment and use of children and to actively identify and immediately release those children already in their ranks.

**Recommendations to the Security Council**

16. The Working Group agreed to recommend that the President of the Security Council address the following letters:

*Letter to the Government of the Sudan*

(a) *Welcoming* its efforts to strengthen the legislative framework for the protection of children through the adoption of the Child Act and the Sudan Armed Forces Act, noting that those documents constitute significant milestones in the creation of a protective environment for children affected by armed conflict;

(b) *Also welcoming* the specific measures that it has taken to protect children, such as the establishment of a child protection unit within the armed forces;

(c) *Expressing concern* about references in the report of the Secretary-General on children and armed conflict in the Sudan (S/2011/413) regarding the presence of children in the armed forces and associated forces, and urging the Government to address that issue and prevent the recruitment and use of children according to its national legislation and international obligations;

(d) *Calling upon* it to continue to uphold its commitment to the dissemination, implementation and enforcement of child protection legislation, including at all administrative levels, and to prevent the recruitment and use of children in line with its international obligations following its ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, while considering the criminalization of such recruitment in its penal code;

(e) *Also calling upon* the Government to ensure that sufficient resources are dedicated to mainstreaming child protection throughout its security forces;

(f) *Welcoming* the continued dialogue between the United Nations and the armed forces on the development of a specific, time-bound action plan, in addition to the declared intention of the Government to sign an action plan that would apply to the armed forces and affiliated armed groups, and calling upon the Government to sign and implement such an action plan to end the recruitment and use of children, in coordination with the United Nations and in line with Security Council resolution 1612 (2005);

(g) *Calling upon* it to make every effort to ensure that the relevant provisions of national law, international human rights law and international humanitarian law, in particular with regard to the protection of children, are upheld by its security forces;

(h) *Recalling* that it has abolished capital punishment for children below the age of 18 years, and calling upon it to strictly implement its national laws and its international obligations in this regard;

(i) *Calling upon* it to end impunity through rigorous and timely investigations and prosecution of crimes committed against children, including sexual violence, and to allocate additional resources to strengthen prevention efforts and provide appropriate responses at all administrative levels;

(j) *Expressing serious concern* that, while the overall humanitarian situation in Darfur has not deteriorated, it has not improved, demanding that the Government,

all militias, armed groups and all other stakeholders ensure the full, safe and unhindered access of humanitarian organizations and relief personnel and the delivery of humanitarian assistance to populations in need, and underscoring the importance of upholding the principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance;

(k) *Welcoming* the memorandums of understanding reached separately by the Government of the Sudan and the Sudan People's Liberation Movement-North with the United Nations, the African Union and the League of Arab States to enable the urgent delivery of humanitarian assistance to affected civilian populations in Southern Kordofan and Blue Nile States in accordance with the tripartite plan proposed by the United Nations, the African Union and the League of Arab States, and calling upon the Government and the Sudan People's Liberation Movement-North to fully implement the terms of that plan in order to expedite the unhindered delivery of such assistance as rapidly as possible, in accordance with applicable international law, including applicable international humanitarian law, the guiding principles contained in the annex to General Assembly resolution 46/182 and the principles of neutrality, impartiality, humanity and independence for the provision of humanitarian assistance, and the safe, unhindered and immediate access of United Nations and other humanitarian personnel;

(l) *Urging* it to make every effort to ensure the protection of schools and/or hospitals, and protected persons in relation thereto, against attacks or threats of attacks.

*Letter to the Secretary-General*

(a) *Requesting* him to ensure, as a matter of priority, the strengthening of the monitoring and reporting mechanism on children and armed conflict in the Sudan with the participation of and in cooperation with the Government and relevant United Nations and civil society actors, so as to provide the timely, objective, accurate and reliable information necessary to ensure the fulfilment of reporting obligations to the Security Council, and requesting that the United Nations Interim Security Force for Abyei ensure the security and freedom of movement of United Nations child protection personnel;

(b) *Requesting* him to ensure that the African Union-United Nations Hybrid Operation in Darfur and the United Nations country team, consistent with their respective mandates, collaborate with the Government and other parties to the conflict to develop and implement action plans to halt the recruitment and use of children in armed conflict in the Sudan;

(c) *Encouraging* him to strengthen, in close consultation with the African Union, child protection capacity in the African Union-United Nations Hybrid Operation in Darfur;

(d) *Requesting* him to submit two separate reports for the Sudan and South Sudan following the independence of South Sudan in July 2011.

**Direct action by the Working Group**

17. The Working Group also agreed that letters should be addressed from the Chair:

*To the World Bank and donors*

(a) *Noting* that the risk of rerecruitment of children who have been separated from armed forces or groups can be addressed only through the provision of support for their long-term reintegration;

(b) *Appealing* to donors working alongside the United Nations system to support efforts by the Government to reintegrate former child soldiers.

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Security Council

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11 October 2012

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**Working Group on Children and Armed Conflict**

# Conclusions on the situation of children and armed conflict in South Sudan

1. At its 32nd meeting, on 30 September 2011, the Working Group on Children and Armed Conflict examined the fourth report of the Secretary-General on children and armed conflict in the Sudan (S/2011/413), covering the period from January 2009 to February 2011, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Mission of South Sudan to the United Nations was not able to participate in the subsequent discussion, but submitted a written statement on the report.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations set out therein met with a favourable response.

3. They stressed the need for two separate reports and conclusions for the Sudan and South Sudan following the independence of South Sudan in July 2011.

4. They recognized the need to take into account the independence of South Sudan, which took place outside the reporting period, in the upcoming conclusions on South Sudan.

5. They welcomed the efforts made by the Government of South Sudan to ensure the protection of children through the adoption and implementation of the Child Act and the establishment of the Sudan People's Liberation Army (SPLA) child-protection unit in August 2010.

6. They noted the positive steps taken by SPLA to release children from its ranks and encouraged SPLA to renew its commitment to a formal action plan to end the recruitment and use of children, and requested that an updated framework for its implementation be developed as soon as possible.

7. They also expressed deep concern regarding reports of violations and abuses committed against children by SPLA, including killing and maiming in violation of applicable international law, sexual violence, abduction and attacks on schools and hospitals.

8. They stressed the importance of allocating adequate resources for the protection and reintegration of children, including by the donor community.

9. They urged all parties to ensure the protection of children in the Abyei Area.

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10. They further expressed deep concern regarding violations and abuses committed against children by non-State armed groups in South Sudan, and in this regard condemned the actions by the Lord's Resistance Army in South Sudan, which have resulted in the abduction of, the recruitment and use of, the killing and maiming in violation of applicable international law of and sexual violence against children, and in restrictions of humanitarian access. In addition, deep concern was expressed over the growing trend of inter-ethnic clashes leading to the abduction of, sexual violence against and killing and maiming of children, particularly in Jonglei.

11. The Working Group encouraged the Government to implement the relevant recommendations directed to it as contained in the report of the Secretary-General.

12. The representative of South Sudan:

(a) Reaffirmed the commitment of the Government to further strengthen the protective environment for children affected by armed conflict and in this regard acknowledged continuing support from the United Nations;

(b) Noted that South Sudan had made significant progress in strengthening the protective environment for children affected by armed conflict during the reporting period;

(c) Noted also the enactment of the Child Act, which provides the legal framework for the protection of children affected by armed conflict in South Sudan and which had since been widely disseminated to Government officials and community leaders at all administrative levels;

(d) Reaffirmed the commitment of the Government to the action plan regarding the recruitment and use of children as soldiers and highlighted, in this regard, the creation of SPLA child-protection units;

(e) Reaffirmed also the commitment of the Government to revise the current action plan to take into account Security Council resolutions 1882 (2009), 1996 (2011) and 1998 (2011);

(f) Noted that the volatile security situation in parts of South Sudan as well as four cases of rerecruitment of children by SPLA forces have been a challenge for the full implementation of the Child Act and the action plan;

(g) Noted also that, as a consequence, SPLA was in the process of putting in place disciplinary measures for SPLA personnel who had recruited or rerecruited children into the SPLA forces.

13. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including 1612 (2005), 1882 (2009) and 1998 (2011), the Working Group agreed to the direct action set out below.

**Public statement issued by the Chair of the Working Group**

14. The Working Group agreed to address a message to the parties mentioned in the report of the Secretary-General on children and armed conflict in the Sudan through a public statement by the Chair of the Working Group:

(a) *Expressing deep concern* regarding the continuing violations and abuses committed against children in South Sudan by all parties to the conflict,

and urging the immediate implementation of the previous conclusions of the Working Group on Children and Armed Conflict on the situation in the Sudan (S/AC.51/2007/5; S/AC.51/2008/7 and S/AC.51/2009/5) as relevant to South Sudan;

(b) *Welcoming* the signing of a new action plan on 12 March 2012 by the Government of South Sudan to end the recruitment and use of children and, in that regard, strongly urging the Government to immediately implement the action plan to halt the recruitment and use of children by SPLA, and to release all children within its ranks in accordance with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011) as a matter of priority;

(c) *Expressing deep concern* regarding the killing and maiming and abduction of children as a result of armed conflict and calling upon the Government to ensure that effective steps are taken to ensure accountability for violations committed;

(d) *Also expressing deep concern* regarding the reports of an increased number of cases of rape and sexual violence against children, especially by SPLA, and urging national authorities to end impunity through rigorous and timely investigation and prosecution, strengthen prevention efforts and ensure effective support to the victims of sexual violence;

(e) *Further expressing deep concern* regarding reported incidents of attacks against schools and hospitals by SPLA and the Lord's Resistance Army, and urging the Government to make all efforts to ensure the protection of schools and/or hospitals, and protected persons in relation to them, against attacks or threats of attacks;

(f) *Welcoming* the adoption of the Child Act of South Sudan and encouraging the Government of South Sudan to consider taking the necessary steps to express its consent to be bound by the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict;

(g) *Urging* the Government of South Sudan, in cooperation with the United Nations and the donor community, to prioritize long-term reintegration and rehabilitation for children affected by armed conflict through, inter alia, investment in youth programmes to ensure the constructive engagement of children and youth in national capacity-building efforts.

**Recommendations to the Security Council**

15. The Working Group made the following recommendations to the Security Council:

*Letter to the Government of South Sudan*

(a) *Commending* the efforts of the Government to strengthen the legislative framework for the protection of children through the adoption of the Child Act, which constitutes a milestone in the creation of a protective environment for children in South Sudan, and in this regard calling upon the

Government to continue to disseminate it and make sure that child-protection legislation is implemented at all administrative levels;

(b) *Also commending* the inclusion of a child-protection component in the national disarmament, demobilization and reintegration policy programme for South Sudan, highlighting the importance of reintegration programmes for the effective separation of children from armed forces and groups;

(c) *Welcoming* the establishment of a child-protection unit in SPLA and the appointment of SPLA child-protection officers;

(d) *Calling upon* the Government of South Sudan to ensure that sufficient resources and adequately trained personnel are dedicated to the mainstreaming of child protection in the security forces, including through plans for security sector reform, and in this connection urging the Government to ensure that all military codes, manuals, rules of engagement and other military directives are in accordance with applicable international law related to the protection of children;

(e) *Welcoming* the signing of a new action plan on 12 March 2012 by the Government of South Sudan to end the recruitment and use of children, and noting that the action plan, signed by the Minister of Defence of South Sudan, is guided by the Paris Principles and Commitments;

(f) *Strongly urging* the Government to immediately implement the action plan and to halt the recruitment and use of children by SPLA, and to release all children within its ranks in accordance with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011) as a matter of priority;

(g) *Calling upon* the Government to make every effort to ensure that the relevant provisions of national law, international human rights law and international humanitarian law with regard to the protection of children are upheld by its security forces;

(h) *Urging* the Government to end impunity for perpetrators through rigorously investigating and prosecuting crimes committed against children, including killing and maiming, sexual violence and abduction, and to allocate additional resources to strengthen prevention and provide appropriate responses for the victims at all administrative levels;

(i) *Also urging* the Government to make all efforts to ensure the protection of schools and/or hospitals, and protected persons in relation to them, against attacks or threats of attacks;

(j) *Further urging* the Government to make all efforts to prevent violence against civilians, including children, throughout its territory.

*Letter to the Secretary-General*

(a) *Requesting* the Secretary-General to ensure the strengthening of the monitoring and reporting mechanism on children and armed conflict in South Sudan, with the participation of and in cooperation with the Government of South Sudan and relevant United Nations and civil society actors, as a matter of priority, to ensure timely, objective, accurate and reliable information

necessary to ensure the fulfilment of reporting obligations to the Security Council;

(b) *Welcomes* the allocation of child-protection officers to the United Nations Mission in South Sudan (UNMISS), noting that their key tasks will include, among others, supporting the implementation of the action plan, continued monitoring and reporting on violations and abuses committed against children, mainstreaming child protection within the United Nations Mission and contributing to the Mission's strategy for the protection of civilians;

(c) *Reiterating* paragraph 4 of Security Council resolution 1996 (2011), and requesting the Secretary-General to ensure that UNMISS carries out its protection mandate where children are vulnerable;

(d) *Requesting* the Secretary-General to submit two separate reports for the Sudan and South Sudan following the independence of South Sudan in July 2011.

**Direct action by the Working Group**

16. The Working Group also agreed that letters should be addressed from the Chair:

*To the World Bank and donors*

(a) *Noting* that the risk of rerecruitment of children who have been separated from armed forces or groups can only be addressed through the provision of support for the long-term reintegration of children;

(b) *Appealing* to donors working alongside the United Nations system to support efforts by the South Sudanese authorities to reintegrate former child soldiers, and to take into account child-protection considerations in the delivery of bilateral assistance to the security sector, and further calling upon the donors to provide support for comprehensive disarmament, demobilization and reintegration for children associated with armed forces and armed groups and support the Government's effort in this regard.